

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

DONNIE D. SMITH

PLAINTIFF

v.

No. 5:21-CV-05155

LAWRENCE COUNTY, MO and
WASHINGTON COUNTY, ARKANSAS

DEFENDANTS

OPINION AND ORDER

Plaintiff filed a motion (Doc. 7) asking the Court to reconsider its opinion and order (Doc. 6) closing this case. It is the Court's understanding that Plaintiff, and not his brother, wrote and signed the motion. The motion explains that Plaintiff's brother, who holds power of attorney for Plaintiff and who signed pleadings in this case for Plaintiff, did not do so with the purpose of acting as Plaintiff's attorney in this action. Instead, the circumstances of Plaintiff's incarceration prevented him from signing the pleadings directly and he was unsure how best to get his action filed. In light of this clarification, and proceeding on the understanding that Plaintiff's brother cannot represent Plaintiff in this action, Plaintiff's motion will be granted.

The Court must caution Plaintiff before this matter proceeds further. Self-representation is his right, but with that right comes the responsibility to comply with the orders of this Court and the applicable Rules. This responsibility will require Plaintiff's diligent attention to the docket, and Plaintiff should familiarize himself with the Federal Rules of Civil Procedure if he has not already done so. Furthermore, though Plaintiff's access to a law library may be limited and his filings will be given liberal construction, liberal construction has its limits, and the law applies with equal force in cases in which a party proceeds pro se with limited law library access as in those cases in which a party is represented by a lawyer.

To that end, the Court needs Plaintiff to clarify previous filings, as well as provide

additional information. Plaintiff filed his civil rights complaint and summons was issued. Thereafter, Plaintiff filed a petition for a writ of habeas corpus. Plaintiff is ordered to file a response clarifying whether he intended the petition for a writ of habeas corpus to amend and replace the complaint, or whether he intended to file a separate cause of action. Additionally, Plaintiff, whose name in the complaint is spelled “Donnie Smith,” has his address listed on the docket as 188 Bowen Blvd. #234 in Goshen, Arkansas. The Washington County Detention Center detainee roster¹ currently lists a “Donny Smith” of 188 W Bowen Blvd in Goshen, Arkansas, among its detainees. Plaintiff’s response to this order should clarify the correct spelling of his name and clarify whether he is presently detained at the Washington County Detention Center. Plaintiff’s response must be filed by September 24, 2021.

IT IS THEREFORE ORDERED that the motion (Doc. 7) is GRANTED as stated herein. The Clerk is directed to reopen this case.

IT IS SO ORDERED this 16th day of September, 2021.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE

¹ <https://www.washingtoncountyar.gov/government/departments-f-z/sheriff/detention-information/detainee-roster-detailed>